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Law v. Business in Tenpins

By Margo Kirchner

The Sports Committee of the L.S.S.S. and the MBA Social Commission will jointly sponsor a bowling competition, "Battle of the Pinstripes," next Tuesday at 9 p.m. at Bel-Mark Lanes. Sign-ups for the event will be held today and tomorrow from 10 a.m. to 2 p.m. in front of Room 100 Hutchins Hall. Charities will receive \$1.50 of each \$5.00 registration fee.

According to Sports Committee co-chairman Terry Darden, "this is the first event of its kind - as far as we know. We're hoping to start a tradition, both of bringing together the two schools and [of] raising money for local charities."

Participants will bowl two games, with the first serving as a "warm-up" and the second to count for the competition. Each

school will have its bowlers' scores averaged, and the higher of the two averages earns bragging rights. In addition, the top three male and female competitors will receive gift certificates for their efforts.

Entries are limited because of the event's popularity, according to the Sports Committee, which therefore encourages students to sign up early.

Where There's a Will, There's a Disposition

The Reg Chestae

Vol. 40 No. 6

The University of Michigan Law School

February 21, 1990

Lawyers Club Housing Rates Increased

By Steve Chalk

The tentative 1990-91 rates for student housing in the Lawyers' Club were announced last week. Lawyers' Club director Diane Nafranowicz said the rates "are going up about 7%."

Nafranowicz said she submitted the 1990-91 budget, including provisions for new housing rates, to the Lawyers' Club Board of Governors. According to Nafranowicz, two student members of the Board - Ben Ellenbogen and Troy Caulkins - worked with her in establishing the budget figures.

"The Club only operates on what [its residents] pay," Nafranowicz said, "because we get no General Fund money." She added that because the system is so self-contained, the Lawyers' Club suffers eco-

nomically from problems like a lack of occupancy - a problem that contributed to the recent rate increase.

According to Nafranowicz, a one-percent drop in occupancy, for example, would signify an additional cost of about \$46 per resident, since no other sources exist to create the necessary revenue. She cited the one-semester leases signed by graduating summer starters as one factor contributing to future vacancies.

On Thursday, Nafranowicz and Nance Angleberger, Lawyers' Club Foodservice Manager, hosted a sparsely-attended informal discussion with students about living conditions and food quality in the Club. In response to a question, Nafranowicz noted that to remain financially solvent as well as attractive to students, the Club

must require all residents to purchase the meal plan. "In order to support the food service for anybody, everybody has to contribute," she said.

Students also complained of the lack of fresh food served, and Angleberger said she realized that "one of the problems with our food stores" is the provision of bread that soon begins to turn stale.

Other areas of concerns included

housekeeping services, the quality of which one student summarized with the comment, "If there's stuff on the floor, it stays there." Nafranowicz said she encourages students to report specific incidents of poor housekeeping performance, and to give the Club enough details about a problem to facilitate its resolution.

"There are only 5 custodians for the entire building, so we can make them go back and do it again," she said.

1990-1991 Lawyers Club Rates

Single: \$4,807.02

Economy Single: \$4,393.44

Double: \$4,221.68

Economy Double Suite: \$4,393.44

Double Suite: \$5,403.33

Triple Suite: \$4,217.16

News Notes

JIL Names Editors

The Michigan Journal of International Law has announced its editorial board for new year.

The following appointments were made: Editor in Chief, David L. Finnegan; Managing Editor, Lisa J. Bernt; Executive Articles Editor, Edmund W. Sim; Executive Notes Editor, Mark G. Johnston; Executive Editors, Steven C. Florsheim, Roy F. Kiplinger.

Articles Editors, Danetta L. Beaushaw, Clinton E. Cameron, Dayna J. Kelly, Brian L. Pendleton, Robert John Sklenar.

Note Editors, Jennifer N. Delisle, Kathryn T. Ditmars, Stephanie M. Oana, Sheryl A. Petkunas, Jennifer Taylor.

Fellas Supreme Win Basketball Tourney

The Annual Law School basketball tourney occurred Friday and Saturday at the IM.

The men's division saw the Fellas Supreme, a combination of the two teams that won the event the last two years, win it all. The Sluggers finished second, followed by Six Angry men and the Ozymorons.

The Coed division saw The Bunch triumph over Illegal Procedures in the final.

The second annual free throw contest was won by 3L Dave Reichert. Tracy Schrader finished second.

Play Debuts Thursday

The Law School Fine Arts Committee will be presenting its production of Ira Levin's *Deathtrap* starting this Thursday through Sunday at the Schorling Auditorium, in the Business School. Tickets cost \$5 and are available at the Michigan Union Ticket Office.

The production is directed by Rich Perloff, and stars Law School Library Dean and Professor Beverly Pooley.

LSSS Resolves Vandals' Due Process Concerns

By Steve Chalk

Law School Student Senate President John Moore said Friday that his organization had resolved its doubts about the possible denial of due process rights to two students accused of committing vandalism in the Lawyers' Club basement on February 8.

On February 12, Moore had reported that the Senate decided to write a letter of complaint after the two students reported to members that the former were facing possible eviction from the Club without the benefit of a full hearing. "We were initially under the impression that the incident

report [filed by Lawyers' Club Director Diane Nafranowicz] would be the final word," Moore said.

He added that the Senate now believes "the initial report that came out was just that - initial." Conversations with Nafranowicz and Dean Eklund persuaded him that the matter was being handled properly, Moore said.

According to Nafranowicz, the University Housing Division, and not the Lawyers' Club administration, conducts all inquiries into possible lease violations. "The Housing Division is the landlord of Club residents," she said.

The Res Gestae

Editor in Chief: Paul S. Czarnota
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The Res Gestae is published every Wednesday during the school year by students of The University of Michigan Law School. Opinions expressed in bylined articles are those of the authors and do not necessarily represent the opinion of the editorial staff. Subscription prices are \$10 a semester and \$15 for a full academic year. Articles may be reprinted without permission, provided that the author and The Res Gestae are credited and notified. Mailing address: The University of Michigan Law School, 721 S. State St., Ann Arbor, MI 48104-3040. Phone: (313) 998-7976.

Submissions to The Res Gestae should be placed in the newspaper's pendaflex in Room 300 Hutchins Hall by 5 p.m. on the Saturday preceding publication. Items submitted after this time will not normally be considered for inclusion in the following issue. Anonymous submissions will not be printed unless the identity of the author is disclosed to the editors and there is a compelling reason for the author to remain anonymous.

Slip Slidin' Away

Last Wednesday, Ann Arbor experienced the first really heavy snow of the winter. The snow and freezing rain made streets and sidewalks particularly treacherous. Five days later, some of the sidewalks in the law quad and the stairs from the quad to the library were still covered with ice. The sidewalks surrounding the building and the faculty parking lot also had patches that were still icy and dangerous.

Every winter, pedestrians are injured in slips and falls on ice. Although our primary interest in such injuries may be as lawyers rather than as victims, we are not immune from these dangers. We would like the law school to show more than an academic interest in these matters.

We appreciate the promptness with which the law school acted to plow or shovel the sidewalks of the law quad. We also recognize that problems of snow removal are not peculiar to the law school, and that many other areas of Ann Arbor have experienced similar difficulties. However, we feel that the law school should increase its efforts to clear the paths in the quad. In particular, it should revise some of the procedures it has followed throughout the winter.

Currently the law school, as well as the rest of the university, removes snow from the sidewalks without salting or sanding the cleared areas. Salting or sanding, if done at all, is done several days after the original snow removal. Because even careful snow removal leaves residual snow and ice, during the intervening days these areas become more of a hazard than they would have been had they not been plowed.

The solution is simple: Those who plow the sidewalks should sand or salt them at the time they remove the snow. In those areas of the city where this was done, the sidewalks were clear as early as Friday morning.

Although we hope that the groundhog was right and that we can look forward to an early spring, we also hope that the law school will take measures to ensure that the remainder of winter is as safe as possible.

E.L.M.

FROM HIS LIPS...

poneck



Dissenting Opinion

Too Much Law, Too Few Laundries

By James S. Johnson

Halfway through law school I keep having the same thought: There is just way too much law out there. This is not just a thought that comes to me the night before an exam, or immediately after a professor has finished a question with the words "What do you think, Mr. Johnson?"

The thought occurred to me this past Saturday when I wanted to do my laundry. The washing machine in my apartment building was broken, so I tried to think where the nearest coin-operated laundry was (not wanting to violate a trademark). It occurred to me that Ann Arbor has very few coin-operated laundries. Ann Arbor — the town with tens of thousands of apartment dwellers — has just four listed in the Yellow Pages.

My first thought was that there must be some city ordinance requiring laundry facilities in apartment buildings. That that was my first thought is ridiculous enough. What is worse is that I was right.

Title VIII (Building Regulations) of the Ann Arbor City Ordinances, Chapter 98 (Building and Safety Engineering), Section 210-52(e) sets forth the requirement that all dwelling units must either have laundry hook-ups or access to laundry facilities provided by the landlord.

What a silly thing to have a law on the books for. As though if it were not for such an ordinance, the city would be filled with people in dirty clothes.

And yet, in a way, I admire the Ann Arbor laundry ordinance. It at least, gives a clear answer to a legal question. Most of the vast body of law we have doesn't seem to do much of anything other than generate legal fees.

Part of the responsibility rests with our federal system of government. We have national laws, state laws, county laws, municipal laws. We have legislative hearings, reports, debates which express the legislative intent of the laws. We have cases reporting decisions interpreting these laws and their interactions.

We used to have the different levels of government concerned with different issues. But thanks to some fancy reinterpretation of the Constitution beginning in the 1930's, every level of government is now concerned with everything everyone does. The result is a mess that requires people to look in many places to find the answer to a question, even for the simplest fact situations.

Then there is the common law. Or rather, the common laws. Forty-nine states with forty-nine different versions of this beast despite our revolution against British tyranny. (Thank goodness for Louisiana to remind us that it needn't be this way.) The only way to get an answer here is to wade through cases, commentaries, restatements, and perhaps even law review articles. But in the end we are just trying to guess what a judge might do to an ill-defined body of law. Tarot cards might be more helpful.

It is obvious that we as lawyers and lawyers-to-be have lost sight of the function of law. While the law's complexity may provide us with intellectual stimulation, that is not why the law exists.

The law's purpose is to govern conduct and relationships in society. The law should tell people how they are to treat others, and it should tell people how they can expect to be treated.

However, the quantity of law that we have prevents the law from serving its purpose. It says nothing to the average citizens of our republic. They cannot come to a law library and find what they need to know. Which of the millions of books would they look to? How would they know when they have found the whole applicable law, not just the federal or state or local portion?

How can the nonlawyer hope to find out what the law is? The adage "A person is presumed to know the law" brings to mind another, less quoted, piece of legal wisdom: "The law is an ass."

As lawyers-to-be, we know the right answer to this problem: Hire an attorney. The only problem with this is that should someone have the resources and wherewithal to ask an attorney for an answer to a legal question, the most likely response is "I can't be certain . . ." The quantity of law produces too much uncertainty for lawyers to answer otherwise without risking malpractice.

If we had less law, we might do a better job with what we had. Perhaps we could identify the ambiguous areas and clarify them. Perhaps we would have more time and resources to devote to the political questions of where the "bright lines" should be.

Perhaps if we have less law, the answer to many legal questions would still be "I can't be certain . . ." But at least it would be arrived at more quickly and inexpensively.

And it would sure make studying easier, wherever I'd do my laundry.

Classifieds

Announcements or personal notes may be turned in to Lisa Salvia's pendaflex (311) by noon Monday for publication the following Wednesday. Recognized student organizations in good standing with the RG may place announcements of upcoming events or meetings free of charge. Individuals may place personal notes for 50¢ for the first 25 words, and 25¢ for each additional 10 words. Remittance must be submitted.

Cadette Girl Scout Troop 672 is having a cookie booth on Tuesday and Wednesday, February 27 and 28, in front of Ulrich's from 2-5 p.m. Seven varieties will be available. The price is \$2.00/box and the profits will go toward their activities.

The Native American Law Students Association will hold its annual Indian Law Days next Wed and Thurs, Feb 21 and 22. This year's topic is American Indian religious freedom with presentations by national attorneys and scientists, who will discuss

protection of burial sites and the repatriation of burial remains to tribal people. The sessions will be held in Rm 250 on each night, beginning at 7 p.m.

Phi Alpha Delta Fraternity, in conjunction with Stanley H. Kaplan, is sponsoring a **Bar Review Raffle**. Grand Prize: a free **Stanley H. Kaplan Bar Review Course**. 1st and 2nd prizes: **10% off** a Kaplan Bar Review course. Raffle dates are Tues., Feb. 13 to Fri., Feb. 23. Tickets are available at the P.A.D.-Stanley H.

Kaplan table in front of Rm 100 of from P.A.D. members. Tickets are \$1 each or 6 for \$5. The drawing will be held at a "Pizza Happy Hour" at Dominick's, Wed., Feb. 28 from 4:30-6 p.m. Tickets purchasers need not be present to win.

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Tyson Fight a Clear Fix

By Harold Hunter

The football recruiting war is over, with two clear winners, some resurgences, and a couple of surprises. Notre Dame and Florida State scored big, each landing their first choice at several positions. I'll give the number one nod to the team that secures Andre Hastings, the nation's top prospect at wide receiver, who will decide this week between the Seminoles and the Irish.

Three teams who started strong, but failed to close on several top prospects, were Miami, Nebraska, and Colorado. Colorado committed the cardinal sin of recruiting, letting three of their home-state top prospects get away to other schools. Similarly, Miami did not get their prime choices at quarterback, and lost out to Florida State, Florida, and Georgia on several prep superstars in the Southeast. Nebraska, usually very strong in Texas, suffered several setbacks in the Longhorn State, especially at linebacker and defensive back. Other teams disappointed in their haul include Clemson, Penn State, and Tennessee.

Georgia, Texas A&M, and Michigan State enjoyed unusually strong recruiting seasons. Georgia scored two of the five best defensive linemen in the country, while the Spartans were very strong in recruiting at the skill positions. Texas A&M cleaned up in Texas and the surrounding states, losing out on only a couple of major recruits. Oklahoma enjoyed perhaps the most surprising success, given their limited number of available scholarships and the two years remaining on probation. The Sooners received commitments from the nation's best linebacker, Aubrey Beavers, and from Cale Gundy, one of the best passing quarterbacks in the land. Additionally, top prospects at tight end, offensive line, and running back are all headed to Norman. Considering recent events in Soonerland, one must wonder whether many parents even give a damn where their kids go to school.

RECRUITING TOP TEN

1. FLORIDA STATE
2. NOTRE DAME
3. OHIO STATE
4. GEORGIA
5. TEXAS A&M
6. MICHIGAN
7. USC
8. OKLAHOMA
9. UCLA
10. MICHIGAN STATE

Changing gears for a moment, I've been contemplating the feasibility (hypothetically, of course) of the following scenario:

I manage the heavyweight champion of the world, someone who appears to be, and perhaps is, invincible. I,

being a dirty sleazebag, consider this to be a problem, because audiences are beginning to seem disinterested in the heavyweight division, and thus my fighter's bouts, because of his dominance. This means less revenue from television contracts and ticket sales, which make my hair stand on end. Further, the situation is likely to deteriorate unless a strong contender appears on the horizon soon, which isn't likely. I never thought the situation would come to this. Boy, you'd figure when you put out good money to buy everyone—err, everything you need to be successful in this racket—err, business, that you wouldn't have to worry anymore. Something clearly must be done. It's time to "collect" on the "investments" in my "capital."

Therefore, because I'm only concerned with my bank account and not my fighter's status or legacy as a boxer, I devise a brilliant scheme to create the facade of competitiveness, and thus increase interest in the future fights of my boxer. However, the public only scoffs at the staged dive I have him take in training camp for his next fight. Clearly, I must take bolder action—hell, I can't even get a legal book to make odds on the fight to lay my money with. Thus, the only other course of action left is for my fighter to lose a fight. But how? He's going to destroy this guy he's fighting, and the public will just go on yawning about their business as usual. Two things can be done: One, I'll have the trainers do such a lousy job of preparing him that even he could be beaten with a little luck. However, I have to be sure. Maybe I'll just tell him that, for the good of his long term career earnings (and mine of course), that maybe he should just sit this fight out—like say, on his butt in the middle of the ring maybe; then, when we get the rematch, the public will be so interested that revenues will be way up and we'll all get incredibly rich, and also get our title back.

Hmmm. But how can I make sure people don't suspect any impropriety? Well, I'll manufac-

ture a controversy that will deflect attention away from the fact that my fighter just lost to a guy that shouldn't be in the same building as him. Gee, but to do that I'd have to "consult" with the referee. Oh well, sometimes sacrifices just have to be made for the greater good, don't they?

Boy, after all that work, hypothetically speaking of course, it sure would be a bitch if those dummies I just gave the title to decided to fight someone else first instead of us. Nah, I'm such a lovable guy; they wouldn't dare do that to me, would they? Ahh, the best laid plans of mice and rats. . . .

The Law School Arts Committee presents

Deathtrap

By Ira Levin

Directed by Richard Perloff

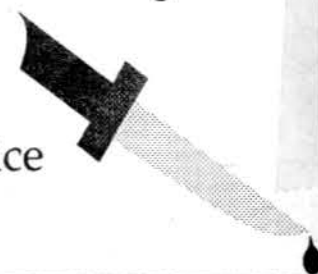
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Law in the Raw

By Colin Zick

Unlawful Knowledge

Defendant appeared before a judge in Stamford, Connecticut, on a charge of disturbing the peace. The judge asked if the defendant was satisfied with the proposed plea bargain—six months' suspended sentence—and with the advice of his lawyer.

No, said defendant, I'm not happy with his advice.

The judge explored the matter further, trying to make sure defendant understood the offense for which he'd been charged. Defendant responded by citing the statute number of the offense. The judge patiently explained the crime and asked if defendant understood.

"I'm into crime, not law," defendant said. But he did agree to the plea bargain.

ABA Journal, July 1989

Some People Belong in Jail

•William Sibila, 34, was killed in September when he fell 35 feet onto a cement landing while trying to escape from the prison ward of the Nassau County Medical Center in New York. He misjudged the 55-foot drop and made his bed-sheet rope only 20 feet long.

•Not to be outdone, in June, a robbery at Mrs. Winner's Chicken & Biscuits in Birmingham, Alabama, was cut short when the oven timer went off, signalling that a batch of biscuits was done. The timer startled the robber and he fled.

•Ronald McClanahan, 41, was arrested in September when he tried to rob a gun shop in Columbia, Missouri, with a knife. (Wait, there's more.) He tried to open the

electronic cash register by randomly pushing buttons, but then become frustrated and tried to carry it away. but the cord got caught, and he fell to the floor. When an employee of the gun shop approached with a shotgun, McClanahan first lay perfectly still, the bolted up, yelling, "Go ahead and shoot me." McClanahan then tried to lug the cash register away again. He quickly dropped it so he could flee. But when the register fell, the drawer opened, and McClanahan stopped to grab some bills from the till. As he ran for the exit, gun-wielding employees blocked his way. When the police arrived, they had to use force to loosen his grip on the money.

Chicago Reader, December 15, 1989
Thanks to Doug Graham, a LITR alum